

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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UNITED STATES OF AMERICA,
v.
ANKUR AGARWAL,
DEFENDANT, pro se

CRIMINAL NUMBER:
19-cr-007700 2024 SEP -9 A 11:44
REQUEST TO SUPPLEMENT 3582(c)(2)
APPLICATION TO REDUCE SENTENCE

Hon. Judge Susan D. Wigenton:

Following Petitioner's pro se application for reduction of sentence (dated November 25, 2023), Petitioner has had progress which warrants a Supplement.

Importantly, Petitioner has completed the Vocational Training Welding Program pending at the time. Petitioner provides the Court a recommendation letter from Officer Miranda (Exhibit E) which details the demands of the Welding Program and Petitioner's performance. Significantly, Ofc. Miranda "lays the year-long Program qualifies Petitioner for employment: "Agarwal's training is a means for him to enter into the welding trade at the entry-level position" (Exhibit E, paragraph 6). Through FCI Ft. Dix's cooperation with the local construction industry Petitioner should be able to secure employment prior to release. Also, provided is the accompanying certificate awarded at the completion (Exhibit F).

Equally important, with the grant of the two-level reduction, Petitioner now becomes eligible for transfer to pre-release custody. As the Court is aware, the applicable statute implementing the First Step Act (FSA) -- Title 18 USC 3632 -- discusses options for eligible prisoners who have earned Earned Time Credits (ETCs) under the FSA: "The Director of the Bureau of Prisons shall transfer eligible prisoners, as determined under section 3624(g), into pre-release custody or supervised release" §3632(d)(4)(C). As shown in Petitioner's recent FSA Time Credit Assessment (Exhibit G) Petitioner has earned 250 ETCs toward pre-release custody: "ETC towards RRC/HC: 250." Applying the 250 days of ETC will require Petitioner's transfer to pre-release custody on January 6, 2025 -- i.e. lowering the September 10, 2025 release date by 250 days. Thus, unless the BoP effects the transfer to pre-release custody, Petitioner may be left in prison longer than necessary. Specifically, under §3624(g), a prisoner who has "earned ETCs in the amount equal to the remainder of the prisoner's term of imprisonment" shall be immediately transferred. Petitioner will pass this threshold on November 7, 2024 -- lowering January 6 2025 by 60 days due to earning additional 60 ETCs towards pre-release custody. In summary, if the Court were to grant Petitioner 13-month reduction today, Petitioner falls within the last 2½ months of his required transfer to pre-release custody. Petitioner asks the Court to take Petitioner's individualized FSA calculation into consideration for the timing of its decision.

Petitioner is not aware of any opposition raised by the Government.

Given the above, Petitioner respectfully requests the Court grant the Supplement and order the sentence lowered from 94 to 81 months.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ankur Agarwal', with a stylized flourish at the end.

Ankur Agarwal, pro se
Register #71563-050